

DRAWING AMENDMENTS

Pursuant to 37 CFR 1.84, please amend the drawings by entering the attached papers identified "Replacement Sheets" which are presented in the APPENDIX. Changes are shown relative to the immediate prior version of each sheet.

SECTION: REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

1. Summary of the Office Action.

The restriction and election were indicated.

The drawings were objected to.

Claims 1-6, 9 and 10 were pending.

Claims 1-6 and 10 are objected to because of informalities.

Claim 9 stands rejected under 35 U.S.C §112, second paragraph.

Claims 1-6, 9 and 10 stand rejected under 35 U.S.C §102(b) over Linzalone (6,068,339).

2. Discussion.

Applicant acknowledges the election.

Drawing Objection

Responsive to the drawing objection, enclosed are proposed corrected formal drawings for the examiner's consideration.

Claim Objections

Claims 1-6 and 10 . These claims were objected to as being informal. Applicant amended the claims to correct the informalities. The examiner is thanked for pointing the informalities out. Withdrawal of the objection is believed to be in order.

Claim Rejection - 35 USC §112, Second Paragraph

Claim 9. This claim was rejected under 35 USC §112, second paragraph. The claim has been cancelled.

Claim Rejection - 35 USC §102

Claim 1. This claim was rejected under 35 USC §102 as being anticipated by US Patent No. 6,068,339 to Linzalone. The claim is amended to clarify the invention, whereby it is believed that the examiner may better appreciate the differences with respect to the applied prior art. Specifically, applicant has amended as follows:

1. to clarify that the seat has a structural shell,
underside, and parallel spaced apart rods,
2. to require that the **tube tunnel extend substantially
from the front to the back of the seat,**
3. to require that **both the motor mechanism and
power source reside in a tube,** and that the **tube resides in the
tube tunnel** and is **firmly held therein.**

This structure and function if the invention is not literally shown, suggested or made obvious by Linzalone. Linzalone shows:

1. a relatively **short vibrating motor 2** placed loosely in the padding of the **relatively long seat**, inserted flush with the seat top via a cut-out in the padding (column 4, lines 23-29); and
2. a power source (existing motorcycle battery 4) which is **disposed remotely from the motor** (Fig. 7 and column 2, lines 38-42).
3. Importantly, **NO tube tunnel** or other **means of firmly connecting** the motor to the seat is disclosed or suggested. In contrast, Linzalone indicates in column 3, lines 51-57 that as an alternative to padding placement, the motor "can also be **placed loosely**" on the outside of the seat.

These differences are believed to be unobvious because the amended elements relate to advantages the invention has in terms of compact size for bicycle use and vibration efficiency and effectiveness. Applicant's invention teaches and provides a solid mechanical connection between the vibrating motor and the overall seat structure. The applied prior art clearly lacks this structure, function and understanding. The amendment is believed to patentably distinguish the claimed invention from the applied prior art. Withdrawal of the rejection is requested.

Claim 4. This dependent claim stands rejected under 35 USC 102 over Linzalone.

The claim requires that the motor mechanism vibrate at a frequency between

1,100 and 18,000 RPM for optimal rider comfort. This structure and function is not shown or suggested in the applied reference which merely discloses vibration in proportion to a motorcycle engine synchronizing signal. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim 1 above.

Claim 8. This claim was withdrawn based on the Election. Applicant requests reconsideration of its withdrawal. Claim 8 is believed to be readable on the elected species I, Figures 1-4.

Claim 21. This dependent claim stands rejected under 35 USC 102 over Linzalone. The claim requires that the tube tunnel have a plurality of contact points with the seat rods for efficient and effective vibration of the entire seat. This structure and function is not shown or suggested in Lenzone which, in contrast, shows a vibrating motor placed in seat padding. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim 1 above.

Claim 22. This dependent claim stands rejected under 35 USC 102 over Linzalone. The claim requires that the tube and tube tunnel have a predetermined complementary three dimensional configurations with a thin and short front and a thicker and taller back. This structure and function is not shown or suggested in the applied reference which, in contrast, shows no tube tunnel whatsoever and a

cylindrical motor tube. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim 1 above.

Remaining Claims. The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

3. Conclusion.

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

<u>Any fees due are calculated as follows:</u>	<u>Number</u>	<u>Fee</u>
TOTAL claims remaining over previously paid for:	None	\$0
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SUM claim fees:		\$0
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Respectfully submitted,



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